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Title:

Typed radio script regarding 'maintenance of efficient courts of law', 'failure in Government if people cannot get their cases heard ... '

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Good Evening:-

An essential part of the activity of Government in this State is the maintenance of efficient courts of law, and of institutions associated with the decisions which courts have to make. It is a failure in Government if people cannot get their cases heard, or suffer injustice because of poverty, or if courts are not able to have carried out the orders which they feel they should make. This failure has occurred in South Australia and ~~it~~ has caused considerable distress to many people.

In the first place there is the congestion of metropolitan police courts. This generally involves a number of defendants in adjournments which are costly and except in rare instances at their expense, even though it is the State which is responsible for there being haled into Court. But despite the fact that publicity has recently centred on the situation in these Courts - which are undoubtedly understaffed - this is not the worst situation.

In the maintenance court the Juvenile Courts magistrate is required to deal with summary complaints by wives against husbands, often involving urgent matters requiring separation orders for the protection of the wife from molestation and in most cases urgently needed orders for maintenance of deserted wives and children.

A deserted wife cannot usually afford to retain the services of a solicitor, and the Poor Persons Legal Relief Scheme does not apply to maintenance applications in the summary jurisdiction. She must go to the Children's Welfare & Public Relief Board, where prosecuting officers will investigate her claim and issue and conduct complaints on her behalf without charge. But from the time of her application to the Board she will often wait six weeks to two months for an appointment with a prosecuting officer.

Having got her appointment, she will wait another ten days or so at the very least before her case is listed for hearing. Should the case be contested, however, she will find the lists so full that it is likely to be another two months before it can be heard - for the hearing of a contested matrimonial matter is likely to take upwards of two days. The result is that the wife is likely to be faced with a period of dire distress, little alleviated on occasion by temporary and repayable relief on less than subsistence level provided by the Board.

Even when cases are dealt with in Courts of Summary Jurisdiction, however, in many cases those courts cannot do as they wish in treatment of offenders. The most obvious example of this is in the case of habitual drunkards.

Go up to the Adelaide Police Court any morning and you will see the long procession of derelict alcoholics coming up for their 150th and in some cases 300th conviction for drunkenness.

Every so often they are sent to gaol. As with them alcoholism is not a crime but a disease, as soon as they come out of gaol in many cases, they are back before the court within a few days, gaol does nothing to cure them. It is possible to treat alcoholism and achieve cures - but only with proper, and in most of their cases - compulsory treatment. There exists legislation under which the courts could commit habitual drunkards to declared inebriates homes for this compulsory treatment, but despite the fact that this matter has been consistently raised in Parliament by myself and other members, the Government has failed to establish or declare such a home. The Court's hands are tied, and the Government just says that it is looking into the matter. It has been saying that for the past six years to my knowledge.

Turning for a moment to the higher jurisdiction - the Supreme Court - here we have the fantastic situation that

from the time of completion of all the papers in a civil case it may be a year and more before that case is heard. The judges of the Court are insufficient in number to cope with the volume of litigation and are all grossly over-worked as it is.

Need this situation continue? The answer is no. According to the report of the Commonwealth Grants Commission South Australia spends less per head of population on Law Order and Public Safety than any other State in the Commonwealth. Whereas on average Australian States spend £2/9/- per head we spend £2/2/- per head - much less than any other State.